

MINUTE ORDER

CASE NUMBER: CIVIL NO. 19-00169LEK-KJM

CASE NAME: Venice PI, LLC, et al. Vs. Doe 1, doing business as YIFY, et al.

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 08/13/2019

TIME:

COURT ACTION: EO: COURT ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION OF ORDER [DOC. #36] DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION WITHOUT PREJUDICE AND FOR LEAVE TO SERVE THE MOTION FOR PRELIMINARY INJUNCTION ON DEFENDANTS BY ALTERNATIVE MEANS

On August 9, 2019, Plaintiffs Venice PI, LLC; MON, LLC; Millennium Funding, Inc.; Bodyguard Productions, Inc.; TBV Productions, LLC; UN4 Productions, Inc.; and Hunter Killer Productions, Inc. (collectively "Plaintiffs"), filed their Motion for Reconsideration of Order [Doc. #36] Denying Plaintiffs' Motion for Preliminary Injunction Without Prejudice and for Leave to Serve the Motion for Preliminary Injunction on Defendants by Alternative Means ("Motion"). [Dkt. no. 37.] The Motion seeks reconsideration of this Court's August 7, 2019 entering order ("8/7/19 EO"). [Dkt. no. 36.] In the 8/7/19 EO, this Court denied without prejudice the April 4, 2019 ex parte motion filed by Millennium Funding, Inc., Hunter Killer Productions, Inc., and Bodyguard Productions, Inc. ("Moving Plaintiffs"), which sought, in part, a preliminary injunction ("4/4/19 Motion"). [Dkt. no. 7.] The instant Motion also seeks leave to serve Defendant DOE 1, doing business as YIFY, and DOE 2, doing business as YTS (collectively "Doe Defendants"), by alternative means, through their email addresses provided in the Motion. [Motion at 2 (page numbers are according to the district court's electronic case filing system).] The Court has considered the Motion as a non-hearing matter pursuant to Local Rule 7.2(e).

First, the portion of Plaintiff's Motion seeking reconsideration of the 8/7/19 EO is HEREBY DENIED. The Motion fails to either "demonstrate reasons why the court should reconsider its prior decision [or] . . . set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." See Green v. Kanazawa, CIVIL 16-00054 LEK-KSC, CIVIL 16-00055 LEK-KSC, 2018 WL 2306987, at *2 (D. Hawai'i May 21, 2018) (citations and internal quotation marks omitted). To the extent Plaintiffs argue denial of the request for a preliminary injunction was a manifest error of law and fact, Plaintiffs have not identified either a factual or legal error in the 8/7/19 EO that

would warrant reconsideration. The only argument Plaintiffs raise is that they are unable to serve the Doe Defendants with the 4/4/19 Motion, which this Court previously noted in the 8/7/19 EO. Compare Motion at 3 (“Plaintiffs cannot serve [Doe] Defendants by traditional means”), with 8/7/19 EO (“To date, the Moving Plaintiffs have failed to show proof of service of the [4/4/19] Motion.”). Plaintiffs appear to merely disagree with this Court’s decision to deny the preliminary injunction without prejudice, which “is an insufficient basis for reconsideration.” See Green, 2018 WL 2306987, at *2 (citation and quotation marks omitted).

As to the portion of the Motion seeking leave to serve the Doe Defendants by alternative methods, *i.e.*, email, the Court notes Plaintiffs have a pending filing that addresses their concerns regarding service of the Doe Defendants. On May 10, 2019, Plaintiffs filed their “Unopposed *Ex Parte* Motion for Leave to Request Issuance of Order Granting Letters of Request Prior to a Rule 26(f) Conference and Order Granting Said Letter of Request” (“5/10/19 Motion”). [Dkt. no. 27.] In the 5/10/19 Motion, Plaintiffs represented the letters of requests were “to obtain the identification information for Defendants DOE 1 and DOE 2 prior to the [Fed. R. Civ. P.] 26(f) conference with Defendants DOE 1 and DOE 2 **so Plaintiffs can serve Defendants DOE 1 and DOE 2 with a summons for this lawsuit.**” See Mem. in supp. of 5/10/19 Motion at 3 (page numbers are according to the district court’s electronic case filing system) (emphasis added). The magistrate judge denied the 5/10/19 Motion on July 1, 2019 (“7/1/19 Order”), and Plaintiffs filed a motion for reconsideration of the 7/1/19 Order on July 7, 2019 (“Reconsideration Motion”). [Dkt. nos. 32 (7/1/19 Order), 34 (Reconsideration Motion).] The Reconsideration Motion is currently pending before the magistrate judge.

In light of the issues pending before the magistrate judge in the Reconsideration Motion, the portion of the Motion requesting leave to serve the Doe Defendants by alternative means is DENIED WITHOUT PREJUDICE. Plaintiffs’ Motion is therefore DENIED in its entirety.

IT IS SO ORDERED.